

**U.S. District Court  
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)  
CIVIL DOCKET FOR CASE #: 5:14-cv-00130-D**

Variety Mart, Inc. v. Payment Processing Technologies, LLC et al  
Assigned to: Chief Judge James C. Dever, III  
Cause: 28:1332 Diversity-Breach of Contract

Date Filed: 03/06/2014  
Jury Demand: Plaintiff  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

**Plaintiff**

**Variety Mart, Inc.**  
*on behalf of it and all others similarly situated  
doing business as*  
Variety Mart 1

represented by **Aaron C. Hemmings**  
Hemmings & Stevens, PLLC  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Payment Processing Technologies, LLC**  
*doing business as*  
PayProTec

represented by **James Michael Weiss**  
Ellis & Winters, LLP  
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Defendant****North American Bancard, LLC***doing business as*

North American Bancard

represented by **James Michael Weiss**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Jonathan D. Sasser**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/06/2014	<u>1</u>	COMPLAINT against All Plaintiffs (Filing fee \$ 400, receipt number GRN000665), filed by Variety Mart, Inc. (Hemmings, Aaron) (Entered: 03/06/2014)
03/06/2014	<u>1</u>	Case Selected for Mediation – A printable list of certified mediators for the Eastern District of North Carolina is available on the court's Website, <a href="http://www.nced.uscourts.gov/attorney/mediators.aspx">http://www.nced.uscourts.gov/attorney/mediators.aspx</a> . Please serve this list on all parties. (Horton, B.) (Entered: 03/06/2014)
03/06/2014	<u>2</u>	NOTICE by Variety Mart, Inc. regarding <u>1</u> Complaint <i>Notice of Civil Cover Sheet and Proposed Summons</i> (Attachments: # <u>1</u> Summons, # <u>2</u> Summons) (Hemmings, Aaron) (Entered: 03/06/2014)
03/06/2014	<u>3</u>	NOTICE by Variety Mart, Inc. <i>Financial Disclosure</i> (Hemmings, Aaron) (Entered: 03/06/2014)
03/07/2014	<u>4</u>	NOTICE of Appearance by Aaron C. Hemmings on behalf of All Plaintiffs (Hemmings, Aaron) (Entered: 03/07/2014)
03/11/2014	<u>5</u>	SUMMONS ISSUED as to North American Bancard, LLC and Payment Processing Technologies, LLC. Counsel should print summons and effect service. (Sawyer, D.) (Entered: 03/11/2014)
03/14/2014	<u>6</u>	AFFIDAVIT of Service for Complaint served on Defendant Payment Processing Technologies, LLC on March 13, 2014, filed by Variety Mart, Inc.. (Hemmings, Aaron) (Entered: 03/14/2014)
03/20/2014	<u>7</u>	AFFIDAVIT of Service for Summons and Complaint served on North American Bancard, LLC on March 17, 2014, filed by Variety Mart, Inc.. (Hemmings, Aaron) (Entered: 03/20/2014)
04/04/2014	<u>8</u>	MOTION for Extension of Time to File Answer regarding <u>1</u> Complaint by North American Bancard, LLC, Payment Processing Technologies, LLC. (Attachments: # <u>1</u> Text of Proposed Order) (Sasser, Jonathan) (Entered: 04/04/2014)
04/04/2014	<u>9</u>	NOTICE of Appearance by Jonathan D. Sasser on behalf of All Defendants (Sasser, Jonathan) (Entered: 04/04/2014)
04/04/2014	<u>10</u>	NOTICE of Appearance by James Michael Weiss on behalf of All Defendants (Weiss, James) (Entered: 04/04/2014)
04/04/2014	<u>1</u>	MOTION REFERRED to Julie A. Richards, Clerk of Court: <u>8</u> Motion for Extension of Time to File Answer. (Fisher, M.) (Entered: 04/04/2014)
04/07/2014	<u>1</u>	

		TEXT ORDER granting defendants' <u>8</u> motion for extension of time. Defendants North American Bancard, LLC and Payment Processing Technologies, LLC have through and including April 24, 2014 to answer or otherwise respond to plaintiff's complaint. Signed by Jolie Skinner for Julie A. Richards, Clerk of Court on 4/7/2014. (Skinner, J.) (Entered: 04/07/2014)
04/09/2014	<u>11</u>	NOTICE of Appearance by Joseph H. Aughtman on behalf of Variety Mart, Inc. (Aughtman, Joseph) (Entered: 04/09/2014)
04/23/2014	<u>12</u>	FINANCIAL DISCLOSURE STATEMENT by North American Bancard, LLC. (Sasser, Jonathan) (Entered: 04/23/2014)
04/23/2014	<u>13</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the Alternative</i> , MOTION to Transfer Case <i>to the Northern District of Georgia</i> by North American Bancard, LLC. (Attachments: # <u>1</u> Text of Proposed Order) (Sasser, Jonathan) (Entered: 04/23/2014)
04/23/2014	<u>14</u>	Memorandum in Support regarding <u>13</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the Alternative</i> MOTION to Transfer Case <i>to the Northern District of Georgia</i> filed by North American Bancard, LLC. (Attachments: # <u>1</u> Exhibit A. Agreement, # <u>2</u> Exhibit B. NC Contracting v. Munlake Contractors, # <u>3</u> Exhibit C. Bassett Seamless Guttering v. GutterGuard LLC, # <u>4</u> Exhibit D. Price v. Leasecomm Corp., # <u>5</u> Exhibit E. Mendoza v. Microsoft Inc.) (Sasser, Jonathan) (Entered: 04/23/2014)
05/07/2014	<u>15</u>	RESPONSE in Opposition to <u>13</u> Motion to Dismiss or in the Alternative Motion to Transfer Case to the Northern District of Georgia filed by Variety Mart, Inc. (Attachments: # <u>1</u> Exhibit A – Affidavit of Vinad Badhiwala, # <u>2</u> Exhibit B – Ziptronix v. Ostendo Technologies) (Hemmings, Aaron) Modified on 5/7/2014 to correctly identify exhibits. (Sawyer, D.) (Entered: 05/07/2014)
05/07/2014	<u>1</u>	NOTICE TO COUNSEL regarding <u>15</u> Response in Opposition to Motion: Counsel should comply with Section L of the CM/ECF Policy Manual when filing future documents containing exhibits and/or attachments. (Sawyer, D.) (Entered: 05/07/2014)
05/23/2014	<u>16</u>	REPLY to Response to Motion regarding <u>13</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>or in the Alternative</i> MOTION to Transfer Case <i>to the Northern District of Georgia</i> filed by North American Bancard, LLC, Payment Processing Technologies, LLC. (Attachments: # <u>1</u> Exhibit Ziptronix, Inc. v. Ostendo Techs., Inc.) (Weiss, James) (Entered: 05/23/2014)
06/02/2014	<u>1</u>	MOTION SUBMITTED to Chief Judge James C. Dever III: <u>13</u> Motion to Dismiss. (Sawyer, D.) (Entered: 06/02/2014)
06/06/2014	<u>17</u>	ORDER granting <u>13</u> Motion to Transfer Case. The action is transferred to the United States District Court for the Northern District of Georgia. Signed by Chief Judge James C. Dever III on 6/6/2014. (Sawyer, D.) (Entered: 06/06/2014)